



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,997	03/02/2004	Daniel J. Coster	APL1P290/P3186	4300
22434	7590	09/23/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			PAPE, ZACHARY	
P.O. BOX 70250				
OAKLAND, CA 94612-0250			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/791,997

Applicant(s)

COSTER ET AL.

Examiner

Zachary M. Pape

Art Unit

2835

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 8/3/2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.



**ANATOLY VORTMAN
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: the applicants' remarks do not place the case in condition for allowance (see attached detailed action).

A handwritten signature in black ink, appearing to read "A. Vortman", with a stylized, flowing script.

**ANATOLY VORTMAN
PRIMARY EXAMINER**

DETAILED ACTION

The following detailed action is in response to the correspondence filed 8/3/2005. Further, this detailed action is the response to the request for reconsideration after the final rejection.

Response to Arguments

1. Applicant's arguments filed 8/3/2005 have been fully considered but they are not persuasive.

With respect to applicants' remarks to claim 1, the examiner respectfully disagrees. The chassis is comprised of both element 10 (hood) and element 30 (enclosure) therefore the handle does in fact attach to the chassis.

With respect to applicants' remarks to claim 35, the examiner respectfully disagrees. The handle of Gan et al. is not just limited to disassembly of the system, rather the handle can be used for both assembly and disassembly. For example, the handle can be pulled and the cover of the chassis can be removed. In the same was the handle can be grasped, the user can place the cover onto the chassis, and release the handle thus locking the cover to the chassis and therefore using the handle to assemble the system.

With respect to applicants' remarks to claim 40, the examiner respectfully disagrees. The chassis is comprised of both element 10 (hood) and element 30 (enclosure) therefore the handle does in fact attach to the chassis.

With respect to applicants' remarks to claim 35, the examiner respectfully disagrees and directs applicant to the examiner's remarks regarding claim 35 above.

With respect to applicants' remarks to claim 4, the examiner respectfully disagrees. The definition of hook as given in "The American Heritage College Dictionary 4th edition" is, "A curved or sharply bent device usually of metal used to catch pull, suspend, or fasten something". The hooks (624) of Gan are clearly used to catch the protrusions (12) of Gan as noted in Column 3, Lines 24-27.

With respect to applicants' remarks to claim 5, the examiner respectfully disagrees. The hooks (624) are a member of plate 62 (As illustrated in Fig 2). In Column 2, Lines 40-42, Gan clearly establishes that plate 62 is a sliding plate. Accordingly, the hooks are therefore movable.

With respect to applicants' remarks to claim 36, the examiner respectfully disagrees. The definition of flange as given in "The American Heritage College Dictionary 4th edition" is, "a protruding rim, edge, rib, or collar, as on a pipe shaft, used to strengthen an object, hold it in place, or attach it to another object". Flange clearly meets this definition for at least the reasons that it (624) is a protruding (laterally) edge which attaches to another object (12).

With respect to applicants' remarks to claim 38, the examiner respectfully disagrees. The stiffener of Gan, as illustrated by the examiner in the previous detailed action, is clearly another element which is attached to the hood (10). If the stiffener were not attached to the hood, then it would not be illustrated in Gan fig 2 as being a

Art Unit: 2835

member of the hood. Fig 5 of Gan further illustrates that the stiffener is attached to the underside of the hood (10).

With respect to applicants' remarks to claim 39, the examiner respectfully disagrees. Worley et al. clearly teaches the conventionality of using an EMI gasket (20) to shield internal components within a chassis (See: Column 1, Lines 13-25 where Worley specifically states, "To avoid problems arising from electromagnetic fields emanating from, or incident upon, an electronic circuit, such circuits are commonly protected by an electrically conductive shield or barrier. This electrically conductive shield extends around the entire circuit and is commonly referred to as an electromagnetic interference or EMI shield"). The gasket (20) of Worley was combined with the Gan et al. reference to utilize the principle of wrapping the internal circuitry (of Gan) with such a gasket as taught by Worley. Therefore it would have been obvious to place the gasket of Worley around the outside perimeter of Gan to shield the contents within the chassis (as taught by Worley).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

Art Unit: 2835

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZMP


MATOLY VORTMAN
PATENT EXAMINER